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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,382	06/27/2003	Robert Keane	MPJ-D5	7965
37420	7590	12/29/2005	EXAMINER GARCIA, GABRIEL I	
VISTA PRINT USA INC. ATTN: PATENT COUNSEL 100 HAYDEN AVENUE LEXINGTON, MA 02421			ART UNIT 2624	PAPER NUMBER

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/608,382

Applicant(s)

KEANE ET AL.

Examiner

Gabriel I. Garcia

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 091557,571
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **Part III DETAILED ACTION**

1. Claims 1-14 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims of copending Application No. 10/608,378. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are directed to the same invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Benson (6,046,818).

With regard to claim 1, Benson teaches a computer-implemented method for managing individual print jobs comprising receiving individual print jobs, each received individual print job having a plurality of associated printing parameters (e.g. col. 7, lines 31-36), storing the individual print jobs and the associated parameters, searching the stored parameters to identify individual print jobs having at least some common parameters, and aggregating at least a portion of identified individual print jobs having at least some common parameters to create a larger aggregate print job arranged in a two-dimensional layout having a plurality of individual print jobs positioned in each of its two dimensions(e.g. cols 5-7).

With regard to claim 2, Benson teaches a computer-implemented method for (see figs. 1-4) managing individual print jobs comprising receiving individual print jobs, each received individual print job having plurality of associated printing parameters, storing the individual print jobs and the associated parameters defining a two-dimensional (e.g. col. 7, lines 31-36) aggregate print job to be printed in accordance with a set of printing parameters (e.g. col. 7) , the aggregate print job having a plurality of individual print job positions in each of its two dimensions (e.g. col. 7), searching the stored printing parameters to identify individual print jobs having at least some associated printing parameters in common with the set of printing parameters of the aggregate print job, and assigning at least some of the identified individual print jobs to print job positions in the aggregate print job (e.g cols 5-7).

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With regard to claim 3. Benson further teaches wherein the stored parameters include an indication of the delivery date for the individual print job (e.g col. 7, lines 16-24).

With regard to claim 4. Benson further teaches wherein the stored parameters include an indication of whether the individual print job is to be printed on a plurality of sides (e.g. cols. 5-7).

With regard to claim 5, Benson further teaches wherein the stored parameters include an indication of the print quality of the individual print job (e.g col. 6, lines 1-9).

With regard to claim 6, Benson further teaches wherein the stored parameters include an indication of the type of post-printing processing to be performed on the individual print job (e.g. col. 2, lines 13-18 and cols. 5-7, and col. 6, line 61 thru col. 7, line 15) .

With regard to claim 7, Benson further teaches wherein the stored parameters include an indication of the size of the product to be printed from the individual print job (e.g. col. 2, lines 13-18 and cols. 5-7) .

With regard to claim 8, Benson further teaches wherein the stored parameters include an indication of the type of paper to be used for the individual print job (e.g. col. 2, lines 13-18, col. 5, and col. 6, line 61 thru col. 7, line 15).

With regard to claim 9, Benson further teaches wherein at least some of the individual print jobs are received at different times (e.g. col. 5, lines 10-19) .

With regard to claim 10, Benson further teaches wherein at least some of the individual print jobs are received from different customers (e.g. col. 5, lines 10-19)..

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With regard to claim 11, Benson further teaches wherein the individual print jobs are received over a computer network (e.g. col. 5, lines 10-19).

With regard to claim 12, Benson further teaches the step of printing the aggregate Print job on paper of a sufficient large size to accommodate the simultaneous of all individual print jobs in the aggregate print job (e.g. col. 6).

With regard to claim 13, Benson further teaches the steps of repetitively printing the aggregate print job on cut sheets of paper until the desired number of copies of the aggregate print job have been printed, assembling the printed sheets into a stack, and cutting the stack to separate the individual print jobs (inherently teaches repeating the printing the aggregated print job, see figs 1 and 4).

With regard to claim 14, Benson further teaches the steps of packaging and shipping the individual print jobs (e.g col. 6, line 61 thru col. 7, line 15).

### ***Conclusion***

3. Applicant's arguments, with respect to the rejection(s) of claim(s) 1-14 under Double Patenting have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM.

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On July 15, 2005, the Central FAX Number will change to 571-273-8300. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

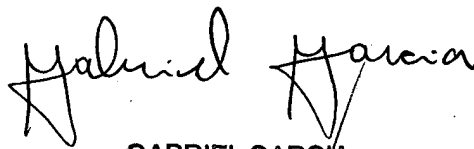
Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized delivery".

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

**Gabriel I. Garcia**  
**Primary Examiner**  
**December 21, 2005**



**GABRIEL GARCIA**  
**PRIMARY EXAMINER**